



# **Texas Department of Transportation**

## **Land Transportation Standards Subcommittee Quarterly Report**



**January 2002**

**International Relations Office**

## **Introduction**

The Land Transportation Standards Subcommittee (LTSS) was created under the auspices of the North American Free Trade Agreement (NAFTA). The primary goal of the LTSS is to examine the land transportation regulatory regimes of Mexico, Canada and the United States, and work toward their harmonization.

As directed by Senate Concurrent Resolution No. 78, adopted by the 74th Legislature of the State of Texas, the following is the quarterly report on the progress of the LTSS and its related groups. This report has been prepared by the International Relations Office of the Texas Department of Transportation (TxDOT) and covers the quarter ending December 31, 2001.

This report begins with a summary of general LTSS and related activities. The sections that follow include activities of each of the LTSS Working Groups and Transportation Consultative Group Working Groups (TCGs). The report concludes with a list of planned LTSS activities. Please note that some groups have completed their mandates and are therefore not listed in this report.

The information in this report was provided by the U.S. Working Group chairs and other U.S. Department of Transportation (USDOT) officials, as well as published reports and information obtained from Mexican officials. The initial report, issued in September 1995, contains background material that will not be repeated here. To obtain a copy of that report or others, please contact the Texas legislative library or the TxDOT International Relations Office (IRO) at (512) 374-5326. Additional information on previous LTSS-related work group activities is available at <http://dms.dot.gov>.

## **Summary of General LTSS and Related Activities**

### *NAFTA Trucking Controversy*

The U.S. Congress passed the FY 2002 USDOT and Related Agencies Act in December and it was signed by the President. The act includes a number of provisions related to the opening of the border, including:

- \$56.3 million in Federal-aid Highway funds for "border infrastructure improvements."
- \$18.0 million in National Motor Carrier Safety Program funds for "border State grants," "reserved for Arizona, California, New Mexico, and Texas to hire border truck safety inspectors."
- \$12.0 million in National Corridor Planning and Development Program funds "earmarked" for state border safety inspection facilities in Texas.
- Required safety examinations by the DOT of all Mexican motor carriers before they are granted conditional operating authority.
  - Fifty percent of all such examinations are to be conducted on-site, and on-site examinations are to cover at least fifty percent of carriers and 50 percent of estimated truck traffic in a given year.
  - An exemption from the on-site requirement is provided for Mexican motor carriers with three or fewer commercial vehicles (subject to on-site examinations or reviews at the discretion of the DOT).
- Requirement for a full safety compliance review—and a satisfactory rating resulting from that review—before any Mexican motor carrier can be granted permanent operating authority.
  - Any carrier that has not received an on-site safety examination must undergo an on-site compliance review.
- Requirement for federal and state inspectors at the border to electronically verify the validity of driver's license of every driver carrying a placardable quantity of hazardous material, every driver undergoing a Level I safety inspection, and at least 50 percent of all other Mexican motor carrier drivers crossing the border.

- Requirement for all Mexican motor carriers granted authority to operate in the United States to display a Commercial Vehicle Safety Alliance decal verifying satisfactory completion of a safety inspection.
  - These vehicles must undergo safety inspections at least every 90 days in order to display such a decal.
    - This requirement will no longer apply to a carrier once that carrier has operated for three consecutive years under permanent operating authority.
- Requirement that the ten highest volume border crossings be equipped with weigh-in-motion systems and that inspectors verify the weight of each Mexican motor carrier entering the United States.
  - Of this total, five crossings shall be equipped before the border is opened and the remainder shall be equipped within 12 months of enactment of the Act;
- Requirement that the Department of Transportation issue interim final safety-related regulations and policies.
- Prohibition against Mexican motor carriers crossing into the United States at any border crossing where a certified motor carrier safety inspector is not on duty or where there is not adequate capacity to either conduct a sufficient number of meaningful vehicle safety inspections or accommodate vehicles placed out-of-service as a result of safety inspections;
- Prohibition against vehicles that are owned or leased by a Mexican motor carrier and that carry hazardous materials operating beyond the commercial zones until the United States has completed an agreement with the government of Mexico to ensure that drivers of vehicles carrying a placardable quantity of hazardous materials meet substantially the same safety requirements as those met by U.S. drivers.
- Prohibition against any Mexican motor carrier operating beyond the commercial zone until
  1. The Department of Transportation Inspector General (IG) first conducts a comprehensive review of the DOT's ability to ensure safety on U.S. highways once Mexican motor carriers are allowed to operate within the internal U.S.; and
  2. The Secretary of Transportation certifies in writing in a manner addressing the IG's findings that the opening of the border does not pose an unacceptable safety risk to the American public.

- Requirement that the DOT IG to conduct a follow up review at least 180 days following the first review cited above and then annually thereafter.

It is expected that these requirements will be met and that the border will open some time later this year.

### *2002 LTSS Plenary*

Accomplishments for the past year and results of plenary discussions are described below under each working group's heading.

## **Summary of LTSS Working Group Activities**

### **Working Group 1: Driver and Vehicle Standards and Supervision of Motor Carrier Compliance**

*U.S. Chair: Tom Kozłowski, Federal Motor Carrier Safety Administration*

This working group progressed in three areas during the past year:

- Preparation of a report on motor carrier safety supervision which describes the current and future motor carrier supervision efforts in each country.
- Development of a side-by-side comparison of motor carrier safety regulations among the three countries.
- Development of a generalized guide of safety regulations related to motor carrier operations and enforcement.

The three parties agreed to analyze key elements and differences that form part of the safety rating process. As part of a revised work plan that would reflect short, medium and long-term goals, the working group is to meet within three months to determine the safety rating elements to be analyzed. We have not yet received information regarding when this meeting is to take place.

## **Working Group 2: Vehicle Weights and Dimensions**

*U.S. Chair: Jim March, Federal Highway Administration*

During the past year, this group compiled information from the 65 jurisdictions in the three countries in order to update a “side-by-side” analysis of truck size and weight.

At the Plenary, a work plan for 2001-2002 was developed, including the following elements:

- Publication of an update to the “side-by-side” analysis report, *Harmonization of Vehicle Weight and Dimension Regulations within NAFTA Partnership [October 1997]*. The revised version will be made available through the Web.
- Investigation of intercity motor coach issues with governments, carriers and manufacturers.
- Investigation of automobile transportation (autotransporter) issues with governments, carriers and manufacturers.
- Exploration of regional harmonization issues in central Canada/U.S., west Canada/U.S., Atlantic Canada/New England, and Mexico/southwest U.S.
- Re-evaluation of safety performance criteria prepared in October 1999, and proposals for next steps.
- Review of technology and standards for compliance and enforcement of vehicle weight and dimension regulations.

A meeting on safety performance criteria was held in Austin on December 5-6, 2001. Canada, Mexico, and the U.S. had representation. Texas was represented by TxDOT and DPS. The group reviewed performance criteria for international vehicle configurations. The criteria center around infrastructure protection and safety factors. The group also recommended an action plan to move forward with four basic vehicle configurations on which Mexico, Canada and the U.S. could agree. They also recommended that any future vehicle configurations for international travel should conform to the aforementioned performance criteria. A final report with these and other recommendations will be presented to the full LTSS Working Group 2 at a tentatively scheduled meeting in Monterrey (Mexico) in April or May.

## **Working Group 5: Hazardous Materials Standards**

*U.S. Chair: Robert Richard, Research and Special Programs Administration*

The working group agreed on the majority of requirements for rail tank car construction and incorporated them into the draft North American Model Standard (NAMS). It was further agreed to complete the review of requirements for cargo tank motor vehicles and to add these to the NAMS in the near future.

The group also agreed to address in the coming year the compatibility of cylinder standards and, in light of the terrorist attacks of September 11, 2001, security of dangerous goods in transport.

## **Summary of Transportation Consultative Group Activities**

### **TCG Working Group 1: Cross Border Operations and Facilitation**

*U.S. Chair: Maria C. Lameiro, U.S. Department of Transportation*

This group established a work plan:

- To provide motor carriers and other interested parties with a manual for operating international services into each of the three NAFTA countries, including information on entry and operational requirements. [The working group was to have compiled, finalized and translated the NAFTA handbooks by January 2002. It now appears that this will be completed no later than June.]
- To ensure that motor carriers and other interested parties have access to information including handbooks and other materials related to cross-border operations in a timely and effective manner [e.g. through web-sites, workshops, etc.].
- To share information and ensure effective communication with the ad hoc Trilateral Insurance Working Group, operating under the NAFTA's Financial Services Committee, in support of that group's stated purpose to identify impediments to seamless insurance transactions for motor carriers engaged in cross-border operations and to consider short- and long-term solutions.

- To assess the need for a comprehensive inventory of public and private sector initiatives aimed at cross-border activity [e.g. integrated transport initiatives, ITS, B2B, Customs, Immigration] and conduct a preliminary review of existing material on cross-border programs and initiatives.
- To monitor on-going developments regarding Mexico's possible participation in the International Registration Plan (IRP) and the International Fuel Tax Agreement (IFTA).
- To support the work of the pertinent governmental immigration authorities as it relates to motor-carrier-related issues and ensure adequacy of information contained in NAFTA
- To coordinate efforts to the extent practicable with other existing groups involved in cross-border operations.

### **Transportation Consultative Group 3: Automated Data Exchange**

*U.S. Chair: Angie Sebastian, Federal Highway Administration*

Mexico reported on progress regarding the population of its driver violations and inspection databases. It was reported that the nationwide population of the databases is expected to be completed in approximately one year.

Mexico indicated that, also within the coming year, they will begin electronic exchange of safety record information regarding driver and carrier histories.

The United States reported that they will be utilizing hand-held electronic devices to provide inspection personnel with near real-time driver license information.

### **TCG Working Group 4: Science and Technology**

*U.S. Chair: Tim Klein, U.S. Department of Transportation*

Each country reported on general research and implementation activities stressing progress in the area of intelligent transportation systems and noting that security will become an area of high priority for the work over the next year.

Progress on harmonization of standards for dedicated short range communications (DSRC) and the development and testing of new transponder technology at border crossings was discussed and support for this work confirmed. A Canadian initiative on electronic placarding of hazardous



materials/dangerous goods was described and adopted as an important project of the working group.

The U.S. DOT's Volpe Center offered to host a meeting on the topic of transportation security covering policy, operational procedures and technology. This meeting will be an opportunity for exploring potential collaborative research activities to improve transportation security.

### **TCG Working Group 5: Maritime and Port Policy**

*U.S. Chair: Gregory Hall, Maritime Administration*

No new information was reported for the quarter. The group did not meet during the Plenary.

### **Planned LTSS Activities**

- LTSS Plenary, 2002
- Trinational border opening conference, TBA